

**ASSEMBLY BILL**

**No. 254**

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**Introduced by Assembly Member Roger Hernández**

February 9, 2015

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An act to amend Sections 1000, 1301, and 13112 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 254, as introduced, Roger Hernández. Election dates.

Existing law establishes election dates in each year, which are the second Tuesday of April in each even-numbered year, the first Tuesday after the first Monday in March of each odd-numbered year, the first Tuesday after the first Monday in June in each year, and the first Tuesday after the first Monday in November of each year. Existing law requires all state, county, municipal, district, and school district elections to be held on an established election date, except for a special election called by the Governor, an election held in a chartered city or chartered county, certain school district elections, a local ballot measure or local recall election, and an all-mailed ballot election.

This bill would eliminate the established election dates in March and April.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. It is the intent of the Legislature that the statutory
- 2 changes made by this act do all of the following:
- 3 (a) Encourage increased voter participation.

1 (b) Not alter the date of a runoff election provided for in the  
2 principal act of a district.

3 (c) Not affect the existing authority of a local jurisdiction to  
4 hold an election on a non-regularly established election date.

5 SEC. 2. Section 1000 of the Elections Code is amended to read:

6 1000. The established election dates in each year are as follows:

7 ~~(a) The second Tuesday of April in each even-numbered year.~~

8 ~~(b) The first Tuesday after the first Monday in March of each~~  
9 ~~odd-numbered year.~~

10 ~~(c)~~

11 (a) The first Tuesday after the first Monday in June in each  
12 year.

13 ~~(d)~~

14 (b) The first Tuesday after the first Monday in November of  
15 each year.

16 SEC. 3. Section 1301 of the Elections Code is amended to read:

17 1301. (a) Except as required by Section 57379 of the  
18 Government Code, and except as provided in subdivision (b), a  
19 general municipal election shall be held on an established election  
20 date pursuant to Section 1000.

21 ~~(b) (1) Notwithstanding subdivision (a), a city council may~~  
22 ~~enact an ordinance, pursuant to Division 10 (commencing with~~  
23 ~~Section 10000), requiring its general municipal election to be held~~  
24 ~~on the same day as the statewide direct primary election, the day~~  
25 ~~of the statewide general election, or on the day of school district~~  
26 ~~elections as set forth in Section 1302, the first Tuesday after the~~  
27 ~~first Monday of March in each odd-numbered year, or the second~~  
28 ~~Tuesday of April in each year. Any 1302. An ordinance adopted~~  
29 ~~pursuant to this subdivision shall become operative upon approval~~  
30 ~~by the board of supervisors.~~

31 (2) In the event of consolidation, the general municipal election  
32 shall be conducted in accordance with all applicable procedural  
33 requirements of this code pertaining to that primary, general, or  
34 school district election, and shall thereafter occur in consolidation  
35 with that election.

36 (c) If a city adopts an ordinance described in subdivision (b),  
37 the municipal election following the adoption of the ordinance and  
38 each municipal election thereafter shall be conducted on the date  
39 specified by the city council, in accordance with subdivision (b),

1 unless the ordinance in question is later repealed by the city  
2 council.

3 (d) If the date of a general municipal election is changed  
4 pursuant to subdivision (b), at least one election shall be held before  
5 the ordinance, as approved by the board of supervisors, may be  
6 subsequently repealed or amended.

7 SEC. 4. Section 13112 of the Elections Code is amended to  
8 read:

9 13112. The Secretary of State shall conduct a drawing of the  
10 letters of the alphabet, the result of which shall be known as a  
11 randomized alphabet. The procedure shall be as follows:

12 (a) Each letter of the alphabet shall be written on a separate slip  
13 of paper, each of which shall be folded and inserted into a capsule.  
14 Each capsule shall be opaque and of uniform weight, color, size,  
15 shape, and texture. The capsules shall be placed in a container,  
16 which shall be shaken vigorously in order to mix the capsules  
17 thoroughly. The container then shall be opened and the capsules  
18 removed at random one at a time. As each *capsule* is removed, it  
19 shall be opened and the letter on the slip of paper read aloud and  
20 written down. The resulting random order of letters constitutes the  
21 randomized alphabet, which is to be used in the same manner as  
22 the conventional alphabet in determining the order of all candidates  
23 in all elections. For example, if two candidates with the surnames  
24 Campbell and Carlson are running for the same office, their order  
25 on the ballot will depend on the order in which the letters M and  
26 R were drawn in the randomized alphabet drawing.

27 (b) (1) There shall be ~~six~~ *four* drawings, ~~three~~ *two* in each  
28 even-numbered year and ~~three~~ *two* in each odd-numbered year.  
29 Each drawing shall be held at 11 a.m. on the date specified in this  
30 subdivision. The results of each drawing shall be mailed  
31 immediately to each county elections official responsible for  
32 conducting an election to which the drawing ~~is applicable~~, *applies*,  
33 who shall use it in determining the order on the ballot of the names  
34 of the candidates for office.

35 ~~(A) The first drawing under this subdivision shall take place on~~  
36 ~~the 82nd day before the April general law city elections of an~~  
37 ~~even-numbered year, and shall apply to those elections and any~~  
38 ~~other elections held at the same time.~~

39 (B)

1 (A) The ~~second~~ *first* drawing under this subdivision shall take  
2 place on the 82nd day before the direct primary of an  
3 even-numbered year, and shall apply to all candidates on the ballot  
4 in that election.

5 ~~(C)~~

6 (B) (i) The ~~third~~ *second* drawing under this subdivision shall  
7 take place on the 82nd day before the November general election  
8 of an even-numbered year, and shall apply to all candidates on the  
9 ballot in the November general election.

10 (ii) In the case of the primary election and the November general  
11 election, the Secretary of State shall certify and transmit to each  
12 county elections official the order in which the names of federal  
13 and state candidates, with the exception of candidates for State  
14 Senate and Assembly, shall appear on the ballot. The elections  
15 official shall determine the order on the ballot of all other  
16 candidates using the appropriate randomized alphabet for that  
17 purpose.

18 ~~(D) The fourth drawing under this subdivision shall take place~~  
19 ~~on the 82nd day before the March general law city elections of~~  
20 ~~each odd-numbered year, and shall apply to those elections and~~  
21 ~~any other elections held at the same time.~~

22 ~~(E)~~

23 (C) The ~~fifth~~ *third* drawing under this subdivision shall take  
24 place on the 82nd day before the first Tuesday after the first  
25 Monday in June of each odd-numbered year, and shall apply to all  
26 candidates on the ballot in the elections held on that date.

27 ~~(F)~~

28 (D) The ~~sixth~~ *fourth* drawing under this subdivision shall take  
29 place on the 82nd day before the first Tuesday after the first  
30 Monday in November of the odd-numbered year, and shall apply  
31 to all candidates on the ballot in the elections held on that date.

32 ~~(2) In the event~~

33 (2) If there is to be an election of candidates to a special district,  
34 school district, charter city, or other local government body at the  
35 same time as one of the ~~five~~ *four* major election dates specified in  
36 subparagraphs (A) to ~~(F)~~; (D), inclusive, *of paragraph (1)* and the  
37 last possible day to file nomination papers for the local election  
38 would occur after the date of the drawing for the major election  
39 date, the procedure set forth in Section 13113 shall apply.

1 (c) Each randomized alphabet drawing shall be open to the  
2 public. At least 10 days ~~prior to~~ *before* a drawing, the Secretary  
3 of State shall notify the news media and other interested parties  
4 of the date, time, and place of the drawing. The president of each  
5 statewide association of local officials with responsibilities for  
6 conducting elections shall be invited by the Secretary of State to  
7 attend each drawing or send a representative. The state chairman  
8 of each qualified political party shall be invited to attend or send  
9 a representative in the case of drawings held to determine the order  
10 of candidates on the primary election ballot, the November general  
11 election ballot, or a special election ballot as provided for in  
12 subdivision (d).

13 (d) In the case of ~~any~~ *a* special election for State Assembly,  
14 State Senate, or Representative in Congress, on the first weekday  
15 after the close of filing of nomination papers for the office, the  
16 Secretary of State shall conduct a public drawing to produce a  
17 randomized alphabet in the same manner as provided for in  
18 subdivisions (a) and (c). The resulting randomized alphabet shall  
19 be used for determining the order on the ballot of the candidates  
20 in both the primary election for the special election and in the  
21 special election.